

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

MICHAEL E. WILLIAMS,)	
)	
Plaintiff,)	
)	No: 1:09-0054
v.)	Judge Campbell/Bryant
)	Jury Demand
MARK HACKER, et al.,)	
)	
Defendants.)	

O R D E R

Plaintiff, a prisoner proceeding pro se, has filed his motion for an order compelling disclosure or discovery (Docket Entry No. 67). As grounds for this motion, plaintiff asserts that on or about September 30, 2010, he served interrogatories and requests for production of documents on counsel for the defendants. Plaintiff further claims that defendants have failed to serve responses to this written discovery within the time provided by the Federal Rules of Civil Procedure.

Defendants have filed a response (Docket Entry No. 71). Defendants, through counsel, state that the interrogatories and requests for production allegedly served by plaintiff were never received by defense counsel (Docket Entry No. 71 at 1). Moreover, defendants state that plaintiff has never attempted to communicate with defense counsel or otherwise to determine why defendants have failed to respond to plaintiff's discovery.

Given that plaintiff has failed to comply with Local Rule 37.01(b)(3), which requires that parties confer in a good faith

effort to resolve by agreement discovery issues before filing a motion to compel discovery, and considering that defense counsel asserts he did not receive the subject discovery, plaintiff's motion to compel (Docket Entry No. 67) is **DENIED**. Defendants shall serve their responses to this written discovery as provided in the Federal Rules of Civil Procedure.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge